

This Page Is Inserted by IFW Operations
and is not a part of the Official Record

BEST AVAILABLE IMAGES

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images may include (but are not limited to):

- BLACK BORDERS
- TEXT CUT OFF AT TOP, BOTTOM OR SIDES
- FADED TEXT
- ILLEGIBLE TEXT
- SKEWED/SLANTED IMAGES
- COLORED PHOTOS
- BLACK OR VERY BLACK AND WHITE DARK PHOTOS
- GRAY SCALE DOCUMENTS

IMAGES ARE BEST AVAILABLE COPY.

**As rescanning documents *will not* correct images,
please do not report the images to the
Image Problem Mailbox.**

TC

JUL. 28. 2004 3:51PM

MOFO 28TH FL

JCWSCS 29 JUL 2004

NO. 771 P. 1

MORRISON & FOERSTER LLP

Attorneys at Law
425 Market Street
San Francisco, California 94105-2482
Telephone: (415) 268-6237
Facsimile: (415) 268-7522

To: U.S. PATENT AND TRADEMARK OFFICE Facsimile: 703/746-9195
OFFICE OF INITIAL PATENT EXAMINATION'S CUSTOMER SERVICE CENTER
Phone: 703/308-2852

From: Michael R. Ward

Date: JULY 28, 2004

We are transmitting a total of 9 pages (including this page).

If you do not receive all pages, please call (415) 268-6237 as soon as possible.

Preparer of this slip has confirmed that facsimile number given is correct: 8693/MRW1

This facsimile contains confidential information which may also be privileged. Unless you are the addressee (or authorized to receive for the addressee), you may not copy, use, or distribute it. If you have received it in error, please advise Morrison & Foerster LLP immediately by telephone or facsimile and return it promptly by mail.

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to the "OFFICE OF INITIAL PATENT EXAMINATION'S CUSTOMER SERVICE CENTER-OFFICIAL FILING RECEIPT CORRECTION REQUEST" 703/746-9195 on July 28, 2004.


LINDA OLSEN

"REQUEST FOR A CORRECTED OFFICIAL FILING RECEIPT"

ATTORNEY DOCKET NO: 546322000304

APPLICATION SERIAL NO.: 10/821,710

FILED: April 8, 2004

ART UNIT: 1638

EXAMINER: Not Yet Assigned

INVENTORS: Michael Wayne GRAHAM and Robert Norman RICE

TITLE: CONTROL OF GENE EXPRESSION

ENCLOSURES:

- 1) Transmittal - 1 pg
- 2) REQUEST TO CORRECT OFFICIAL FILING RECEIPT - 2 pgs;
- 3) Copy of Official Receipt with requested corrections indicated - 1 pg

The Director is authorized to charge Deposit Account No. 03-1952 for any deficiencies in this filing.

COMMENTS: Please make noted changes to Filing Receipt.

Please type a plus sign inside this box

PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

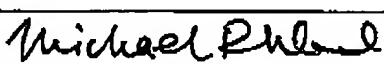
TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Application Number	10/821,710	
	Filing Date	April 8, 2004	
	First Named Inventor	Michael Wayne GRAHAM	
	Group Art Unit	1638	
	Examiner Name	Not Yet Known	
Total Number of Pages in This Submission	9	Attorney Docket Number	546322000304

ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Enter, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below)
Remarks		

1. Request to Correct FILING RECEIPT - 2 pgs
2. Copy of FILING RECEIPT with requested corrections - 2 pgs
3. Supplemental Application Data Sheet - 3 pgs
4. Fax Cover Sheet - 1 pg

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual Name	MORRISON & FOERSTER LLP MICHAEL R. WARD (REG. NO. 38,651)
Signature	
Date	July 20, 2004

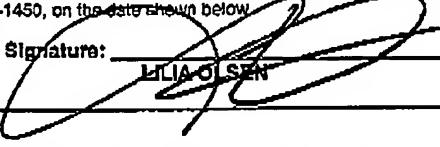
CUSTOMER NO. 20872**CERTIFICATE OF FACSIMILE**

I hereby certify that this correspondence is being facsimile transmitted to the "OFFICE OF INITIAL PATENT EXAMINATION'S CUSTOMER SERVICE CENTER—OFFICIAL FILING RECEIPT CORRECTION REQUEST" at Fax No. 703/746-9195 on July 20, 2004.


LILIA OLCE

SF-1750769

I hereby certify that this correspondence is sent via Fax to: Filing Receipt Corrections
(703) 746-9195, Office of Initial Patent Examination, Commissioner for Patents, P.O. Box
1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: July 28, 2004 Signature: 
ELIAS OLSEN

Docket No.: 546322000304
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Provisional Application of:

Michael Wayne GRAHAM and Robert Norman RICE

Application No.: 10/821,710

Confirmation No.: 1697

Filed: April 8, 2004

Art Unit: 1638

For: CONTROL OF GENE EXPRESSION

Examiner: Not Yet Assigned

REQUEST FOR CORRECTED FILING RECEIPT

Filing Receipt Corrections
Office of Initial Patent Examination
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicants hereby request that a corrected Filing Receipt be issued in the above-identified patent application. The official Filing Receipt received by Applicant, a copy of which is attached hereto, has an error at:

FIL FEE REC'D:

Currently Reads: \$845

Should Read: \$770 (basic filing fee - large entity) + \$920 (claims) = \$1,690.00

A Supplemental Application Data Sheet is enclosed to reflect large entity status.

SF-1750670

Application No.: 10/821,710

2

Docket No.: 546322000304

Applicants additionally request that all pertinent U.S. Patent and Trademark Office records relating to the subject application be changed to reflect this correction.

Dated: July 28, 2004

Respectfully submitted,

By Michael R. Ward
Michael R. Ward

Registration No.: 38,651
MORRISON & FOERSTER LLP
425 Market Street
San Francisco, California 94105
(415) 268-6237

sf-1750670

JUL. 28. 2004 3:52PM

MOFO 28TH FL

NO. 771

P. 5
1 of 2**"COPY"**UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/821,710	04/08/2004	1638	845 1690	546322000304	68	33	1

RECEIVED

20872
 MORRISON & FOERSTER LLP
 425 MARKET STREET
 SAN FRANCISCO, CA 94105-2482

JUN 24 2004

MORRISON & FOERSTER, LLP

CONFIRMATION NO. 1697

FILING RECEIPT

"QC000000013031366"

Date Mailed: 06/22/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Michael Wayne Graham, Chapel Hill, AUSTRALIA;
 Robert Norman Rice, Sinnamon Park, AUSTRALIA;

Domestic Priority data as claimed by applicant

This application is a CON of 10/646,070 08/22/2003
 which is a CON of 09/646,807 12/05/2000
 which is a 371 of PCT/AU99/00195 03/19/1999
 which is a CIP of 09/100,812 08/19/1998 PAT 6,573,099
 and is a CIP of 09/100,813 06/19/1998 ABN

Foreign Applications

AUSTRALIA PP2492 03/20/1998
 AUSTRALIA PP2499 03/20/1998

If Required, Foreign Filing License Granted: 06/22/2004**Projected Publication Date: To Be Determined - pending completion of Sequence Disclosures****Non-Publication Request: No****Early Publication Request: No****** SMALL ENTITY ****

Title

Control of gene expression

Preliminary Class

435

**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).